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09/964,649	09/28/2001	Seiji Okura	1086.1150	1981
21171	7590	08/30/2006	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			SHORTLEDGE, THOMAS E	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/964,649

Applicant(s)

OKURA ET AL.

Examiner

Thomas E. Shortledge

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-6,8,10,11,14-16,18,20,21,24-26,28,30 and 31 is/are rejected.
- 7) ☒ Claim(s) 2-3, 7, 9, 12-13, 17, 19, 22-23, 27 and 29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is in response to Remarks, filed 06/14/2006.
2. Claims 1-31 are pending. Claims 1, 11 21 and 31 are independent. Claim 1 has been amended.
3. The 35 USC 112 rejection of claim is withdrawn in accordance with the applicant's amendments.

### ***Response to Arguments***

4. Applicant's arguments filed 06/14/2006 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a translation memory device which supports work for translating a document in a certain language into a document in another language by searching the machine translation apparatus and the original/translation memory, Remarks, page 12, lines 27-29) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant argues that Takeda et al. (5,826,22) do not teach making common the original/translation information translated by the machine translating apparatus and the original/translation information translated by the translated memory device (Remarks, page 11, lines 30-32) and data compatible processing unit extract the original/translation words or original/translation patterns from said analyzed original/translation sentences, and adds them into a dictionary of said machine translating apparatus (Remarks, page 13, lines 2-7). The examiner disagrees. Takeda et al. teach a system able to use both or either the machine translation and the translation to memory to translate an input. Both of the translation systems are available to the editing control unit, making them common (Fig. 10, elements 6, 4 and 3, and col. 6, lines 10-32).

The applicant argues that Takeda et al. do not teach enabling those pieces of information to be mutually fetched as original/translation information (Remarks, page 11, lines 32-33). The examiner disagrees. Takeda et al. teach that the original sentence from the original sentence memory unit, the translated sentence memory unit and the translation unit can all be mutually fetched through the editing control unit (Fig. 10, elements 1, 3, 4 and 6).

The applicant argues that Takeda et al. do not teach the machine translating apparatus and the original translation information of the original/translation database can be used as common resources (Remarks, page 12, lines 2-4). The examiner

disagrees. Takeda et al. teach a translated sentence memory unit and the translation unit can be used as common resources (Fig. 10, elements 6 and 4).

***Allowable Subject Matter***

5. Claims 2-3, 7, 9, 12-13, 17, 19, 22-23, 27 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

As to claims 2, 12 and 22, Takeda et al. teach a machine translation system with a translation memory, where translations are stored and later used by a translation process. Takeda et al. do not teach adding the original/translating sentences obtained by said machine translating apparatus or sentences obtained by correcting the original/translation sentences obtained by said translation memory device into said original/translation sentence database, adding the original/translation sentences obtained by said translation memory device or original/translation sentences translated by the user into said original/translation sentence database, nor adding analyzed

original/translation sentences obtained by analyzing the original/translation sentences into said analyzed original/translation sentence database.

Claims 3, 13 and 23 would be allowable since they depend from claims 2, 12 and 22.

As to claims 7, 17 and 27, Takeda et al. do not teach a confidence degree setting unit constructed in a manner such that when a sentence is simultaneously translated by said translation memory device and said machine translating apparatus, with respect to an output display of translation candidates added with marks indicative of confidence degrees from said translation memory device, marks indicative of confidence degrees are added to translated sentence candidates outputted from said machine translating apparatus, and said candidates with the marks are displayed.

As to claims 9, 19 and 29, Takeda et al. do not teach an outline-calculating unit which calculates document information including the number of characters, the number of words, expressions, and the Like of the translation target document and allows them to be displayed in order of appearance frequencies.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 4-6, 10-11, 14-16, 20-21, 24-26 and 30-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Takeda et al. (5,826,220).

As to claims 1, 11, 21 and 31, Takeda et al. teach

an interface unit which issues input and output instructions regarding an input of a translation target document, an output of a translated document, and a translation control (Fig. 10, elements, 1, 4 and 5);

a machine translating apparatus, which translates a document in a certain language into a document in another language (a machine translation process to translate a document, col. 5, lines 25-28);

an original/translation database in which original/translation information has been accumulated (a translation dictionary unit and a learning dictionary control unit, col. 5, lines 20-23);

a translation memory device which supports work for translating a document in a certain language into a document in another language by searching said original/translation database (a learning dictionary, used for translating a document from one language to another by searching the translation databases both the original and learned, col. 6, lines 17-34);

a data compatible processing unit which makes the original/translation information translated by said machine translating apparatus and the original/translation information translated by said translation memory device common (*storing both the translation from the machine translation process and the translation memory, col. 6, lines 10-32*), and enables those information to be mutually fetched as original/translation information (*updating the learning dictionary, col. 6, lines 20-25*), said data compatible processing unit extracts the original/translation words or original/translation patterns from said analyzed original/translation sentences, and adds them into a dictionary of said machine translating apparatus (*updating the learning dictionary to be used by the machine translation process, where the updated information includes information from the analyzed sentences that have translated, col. 6, lines 16-32*).

As to claim 4, 14 and 24, Takeda et al. teach:

a similar sentence translating unit constructed in a manner such that when said translation memory device is requested to translate (a translation system for translating sentences, col. 5, lines 24-32, and col. 6, lines 10-25);



similar sentences are searched by searching said original/translation database on the basis of an input sentence, the input sentence is sent to the said machine translating apparatus (each sentence is subject of the machine translation process, col. 5, lines 25-27);

an analysis result is obtained, a search result of said original/translation database is compared with the analysis result obtained from said machine translating apparatus (analyzing the sentence, and searching the translation database and compared to the analysis result, col. 5, lines 50-65);

different input words are sent to said machine translating apparatus, original/translation words are obtained (words to be translated are sent to the translation dictionary, col. 5, lines 50-65); and

the different words of original/translation similar sentences are replaced with the obtained original/translation words (the translated words are placed back into the sentence for translation, col. 5, lines 50-65).

As to claims 5, 15 and 25, Takeda et al. teach a structure searching unit which sends a search input sentence of said translation memory device to said machine translating apparatus via said data compatible processing unit, obtains an analysis result, searches original/translation sentences having similar structures from said analyzed original/translation sentence database by using said analysis result as a search key, and allows them to be displayed (a translation unit for analyzing a sentence

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to be translated, searching a database of sentences having similar context and structures for the words to be translated based on translation rules, col. 5, lines 45-60).

As to claims 6, 16 and 26, Takeda et al. teach an expression searching unit which searches examples of the actual use of a designated word and displays them (searching a database for translations, and displaying the translations, (col. 5, lines 45-60 and fig. 10, element 8).

As to claims 10, 20 and 30, Takeda et al. teach an original sentence display unit which displays a translation target sentence, a system output display unit which displays a translated sentence, and a translation editing unit which issues an editing instruction (Fig. 10, elements 8, 7, 3 and 4).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 8, 18 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda et al. as applied to claims 1, 11 and 21 above, and further in view of Sugiyama et al. (6,345,245).

As to claims 8, 18 and 28, Takeda et al. do not teach comprising an abstract forming unit which displays an outline of the translation target document before translation.

However, Sugiyama et al. teach creating an abstract from a translation unit (col. 4, lines 53-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Takeda et al. with the teaching of Sugiyama et al. to allow a user to see a partial translation before fully completing the translation (col. 2, lines 2-26).

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas E. Shortledge whose telephone number is (571)272-7612. The examiner can normally be reached on M-F 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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